

(This is a facimile of the original Commission Order)

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 94-391

December 20, 1995

PUBLIC UTILITIES COMMISSION
Investigation of New England
Telephone and Telegraph Company's
d/b/a NYNEX Failure to Comply with
Title 35-A M.R.S.A. Section 802(1)

ORDER APPROVING
STIPULATION

WELCH, Chairman; NUGENT and HUNT, Commissioners

On November 22, 1994, the Commission issued a Notice of Investigation, pursuant to 35-A M.R.S.A. § 1303 and Chapter 110 of the Commission's Rules, into the apparent violation by New England Telephone and Telegraph Company (d/b/a/ NYNEX) of 35-A M.R.S.A. § 802(1) and Chapter 202, § 2(A). These provisions prohibit a collecting utility from disconnecting a customer's basic phone service for failing to pay an audio text service charge. The purpose of the investigation was to "determine the facts that led to the apparent violation, the extent of the harm to customers, and the proper remedy."

Between November 1994 and November 1995 various interested parties met and conducted discovery concerning the alleged violation. On December 8, 1995, NYNEX, the Commission's Advocacy Staff, the Public Advocate and the Neighborhood Action Coalition submitted a Stipulation to the Commission to resolve the outstanding issues in this proceeding. The Stipulation (Attachment A to this Order) recites the facts relating to NYNEX's violation of Chapter 35-A M.R.S.A. § 802 and Chapter 202. In summary, the parties agree that between March 1994 and October 6, 1994, NYNEX issued disconnection notices and disconnected a now indeterminable number of customers who subscribed to AT&T's long distance service and subsequently did not pay for 1-900 calls. The parties further agree that there was no indication that NYNEX was aware of this improper billing practice and that NYNEX took steps to correct future violations by October 6, 1994.

NYNEX is unable to determine the individual customers affected but has estimated that as many as 500 customers could have been illegally disconnected. Because the customers cannot be identified, NYNEX has agreed to establish a "Maine Telecommunications Education Fund" to "enhance consumer understanding of

telephone service and equipment options and the changing nature of telephone service generally." The Stipulation specifies how the fund will be operated and maintained.

We have reviewed the Stipulation and find that it presents a just and reasonable resolution to this investigation.

Accordingly, it is

O R D E R E D

1. That the Stipulation, attached as Attachment A and incorporated by reference into this Order, is approved.
2. That the Commission's investigation of this matter is terminated and this docket closed.

Dated at Augusta, Maine, this 20th day of December, 1995.

BY ORDER OF THE COMMISSION

(signed)

Christopher P. Simpson
Administrative Director

COMMISSIONERS VOTING FOR: Welch
Nugent

COMMISSIONER DISSENTING: Hunt

Dissenting Opinion of Commissioner Heather Hunt:

I oppose this stipulation only on the narrow ground that it creates a Board of Directors to administer a Fund to do a job that could reasonably and responsibly be accomplished by authorizing and funding one person.

In my view, if there is any reasonable means to provide a public service without establishing a Board or a Task Force or a Committee or Work Group, the alternative is almost always more efficient and effective.